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**BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Petition to Revoke
Probation Against:

Case No. PT-2006-1326

GREGORY HAYWOOD JONES
352 Jean Street
Mill Valley, CA 94941

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

**Psychiatric Technician License No. PT
15538**

Respondent.

FINDINGS OF FACT

1. On or about February 28, 2011, Complainant Teresa Bello-Jones, J.D., M.S.N., R.N., in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs, filed Petition to Revoke Probation No. PT-2006-1326 against Gregory Haywood Jones (Respondent) before the Board of Vocational Nursing and Psychiatric Technicians. (Petition to Revoke Probation attached as Exhibit A.)

2. On or about February 21, 1975, the Board of Vocational Nursing and Psychiatric Technicians (Board) issued Psychiatric Technician License No. PT 15538 to Respondent. The Psychiatric Technician License was in full force and effect at all times relevant to the charges brought herein and will expire on March 31, 2012, unless renewed.

1 3. On or about February 28, 2011, Respondent was served by Certified and First Class
2 Mail copies of the Petition to Revoke Probation No. PT-2006-1326, Statement to Respondent,
3 Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections
4 11507.5, 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business
5 and Professions Code section 136, is required to be reported and maintained with the Board,
6 which was and is: 352 Jean Street, Mill Valley, CA 94941.

7 4. Service of the Petition to Revoke Probation was effective as a matter of law under the
8 provisions of Government Code section 11505, subdivision (c) and/or Business & Professions
9 Code section 124.

10 5. Government Code section 11506 states, in pertinent part:

11 (c) The respondent shall be entitled to a hearing on the merits if the respondent
12 files a notice of defense, and the notice shall be deemed a specific denial of all parts
13 of the accusation not expressly admitted. Failure to file a notice of defense shall
14 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
15 may nevertheless grant a hearing.

16 6. Respondent failed to file a Notice of Defense within 15 days after service upon him
17 of the Petition to Revoke Probation, and therefore waived his right to a hearing on the merits of
18 Petition to Revoke Probation No. PT-2006-1326.

19 7. California Government Code section 11520 states, in pertinent part:

20 (a) If the respondent either fails to file a notice of defense or to appear at the
21 hearing, the agency may take action based upon the respondent's express admissions
22 or upon other evidence and affidavits may be used as evidence without any notice to
23 respondent.

24 8. Pursuant to its authority under Government Code section 11520, the Board finds
25 Respondent is in default. The Board will take action without further hearing and, based on the
26 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
27 taking official notice of all the investigatory reports, exhibits and statements contained therein on
28 file at the Board's offices regarding the allegations contained in Petition to Revoke Probation No.
PT-2006-1326, finds that the charges and allegations in Petition to Revoke Probation No. PT-
2006-1326, are separately and severally, found to be true and correct by clear and convincing
evidence.

1 9. Taking official notice of its own internal records, pursuant to Business and
2 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
3 and Enforcement is \$1,170.00 as of March 22, 2011.

4
5 DETERMINATION OF ISSUES

6 1. Based on the foregoing findings of fact, Respondent Gregory Haywood Jones has
7 subjected his Psychiatric Technician License No. PT 15538 to discipline.

8 2. The agency has jurisdiction to adjudicate this case by default.

9 3. The Board of Vocational Nursing and Psychiatric Technicians is authorized to revoke
10 Respondent's Psychiatric Technician License based upon the following violations alleged in the
11 Petition to Revoke Probation which are supported by the evidence contained in the Default
12 Decision Evidence Packet in this case:

13 a. First Cause to Revoke Probation: Obey All Laws

14 b. Second Cause to Revoke Probation: Compliance with Probation Program And
15 Quarterly Report Requirements

16 c. Third Cause to Revoke Probation: Completion of Educational Courses

17 d. Fourth Cause to Revoke Probation: Cost Recovery Requirements

18 e. Fifth Cause to Revoke Probation: Chemical Dependency Support/Recovery Groups

19 f. Sixth Cause to Revoke Probation: Abstain From Controlled Substances

20 g. Seventh Cause to Revoke Probation: Submit Biological Fluid Samples

21
22 ORDER


23 IT IS SO ORDERED that Psychiatric Technician License No. PT 15538, heretofore issued
24 to Respondent Gregory Haywood Jones, is revoked.

25 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
26 written motion requesting that the Decision be vacated and stating the grounds relied on within
27 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
28

1 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

2 This Decision shall become effective on May 27, 2011.

3 It is so ORDERED April 27, 2011

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7 FOR THE BOARD OF VOCATIONAL NURSING AND
8 PSYCHIATRIC TECHNICIANS
9 DEPARTMENT OF CONSUMER AFFAIRS

10 default decision_LIC.rtf
11 DOJ Matter ID:SF2010202829

12 Attachment:
13 Exhibit A: Petition to Revoke Probation
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Exhibit A

Petition to Revoke Probation

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 CHAR SACHSON
Deputy Attorney General
4 State Bar No. 161032
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5558
6 Facsimile: (415) 703-5480
Attorneys for Complainant

FILED

Board of Vocational Nursing
and Psychiatric Technicians

7
8 BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
9 DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

10 In the Matter of the Petition to Revoke
11 Probation Against:

Case No. PT-2006-1326

12 GREGORY HAYWOOD JONES
352 Jean Street
13 Mill Valley, CA 94941

PETITION TO REVOKE PROBATION

14 Psychiatric Technician License No. PT
15 15538

16 Respondent.

17
18 Complainant alleges:

19 PARTIES

20 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Petition to Revoke
21 Probation solely in her official capacity as the Executive Officer of the Board of Vocational
22 Nursing and Psychiatric Technicians, Department of Consumer Affairs.

23 2. On or about February 21, 1975, the Board of Vocational Nursing and Psychiatric
24 Technicians issued Psychiatric Technician License Number PT 15538 to Gregory Haywood Jones
25 (Respondent). The Psychiatric Technician License was in effect at all times relevant to the
26 charges brought herein and will expire on March 31, 2012, unless renewed.

3. In a disciplinary action entitled "In the Matter of Accusation Against Gregory Haywood Jones," Case No. PT-2006-1326, the Board of Vocational Nursing and Psychiatric Technicians issued a decision, effective July 27, 2008, in which Respondent's Psychiatric Technician License was revoked. However, the revocation was stayed and Respondent's Psychiatric Technician License was placed on probation for a period of five (5) years with certain terms and conditions. A copy of that decision is attached as Exhibit 1 and is incorporated by reference.

JURISDICTION

4. This Petition to Revoke Probation is brought before the Board of Vocational Nursing and Psychiatric Technicians (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

5. Business and Professions Code section 4520 states: “Every licensed psychiatric technician under this chapter may be disciplined as provided in this article. The disciplinary proceedings shall be conducted by the board in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.”

6. Business and Professions Code section 4521 states in part:

“The board may suspend or revoke a license issued under this chapter for any of the following reasons:

“(a) Unprofessional conduct, which includes, but is not limited to, any of the following:

“(5) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that the use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.”

1 7. Business and Professions Code section 118(b) states:

2 “The suspension, expiration, or forfeiture by operation of law of a license issued by a board
3 in the department, or its suspension, forfeiture, or cancellation by order of the board or by order
4 of a court of law, or its surrender without the written consent of the board, shall not, during any
5 period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its
6 authority to institute or continue a disciplinary proceeding against the licensee upon any ground
7 provided by law or to enter an order suspending or revoking the license or otherwise taking
8 disciplinary action against the licensee on any such ground.”

9 8. Grounds exist for revoking the probation and reimposing the order of revocation of
10 Psychiatric Technician license No. PT 15538 issued to Respondent. The Board’s disciplinary
11 order effective July 27, 2008, contained Probation Condition 12, Violation of Probation, which
12 states:

13 “If Respondent violates the conditions of his probation, the Board after giving
14 Respondent an opportunity to be heard, may set aside the stay order and impose the stayed
15 discipline revocation of the Respondent’s license. If during the period of probation, an accusation
16 or petition to revoke has been filed against the Respondent’s license or the Attorney General’s
17 Office has been requested to prepare an accusation or petition to revoke probation against the
18 Respondent’s license, the probationary period shall be automatically extended and shall not
19 expire until the accusation or petition has been acted upon by the Board. Upon successful
20 completion of probation, the Respondent’s license will be fully restored.”

21 FIRST CAUSE TO REVOKE PROBATION

22 (Obey All Laws)

23 9. At all times after the effective date of Respondent’s probation, Condition 1 stated:

24 “Respondent shall obey all federal, state and local laws, including all statutes and
25 regulations governing the license. Respondent shall submit, in writing, a full and detailed account
26 of any and all violations of the law to the Board within five (5) days of occurrence. To ensure
27 compliance with this term, respondent shall submit two (2) completed fingerprint cards and the
28 applicable fingerprint processing fees to the Board within thirty (30) days of the effective date of

1 the decision, unless the Board determines that fingerprint cards were already submitted by
2 Respondent as part of his licensure application process effective July 1, 1996. Respondent shall
3 also submit a recent 2" x 2" photograph of himself within thirty (30) days of the effective date of
4 the decision."

5 10. Respondent's probation is subject to revocation because he failed to comply with
6 Probation Condition 1, referenced above. The facts and circumstances regarding this violation
7 are as follows:

8 A. On or about October 21, 2008, Respondent was arrested for a violation of Penal Code
9 section 245(a)(1) (assault with a deadly weapon) and Penal Code section 273.5 (corporal injury
10 on a spouse or cohabitant).

11 B. On or about September 24, 2008, Respondent was instructed to submit his
12 fingerprints to both the Department of Justice and the Federal Bureau of Investigation via "Live
13 Scan" service no later than October 25, 2008. Proof of Live Scan submission of fingerprints was
14 not received until December 24, 2008.

15 SECOND CAUSE TO REVOKE PROBATION

16 (Compliance with Probation Program and Quarterly Report Requirements)

17 11. At all times after the effective date of Respondent's probation, Condition 2 stated:

18 "Respondent shall fully comply with terms and conditions of the probation
19 established by the Board and shall cooperate with the representatives of the Board in its
20 monitoring and investigation of the Respondent's compliance with the Probation Program.

21 "Respondent shall submit quarterly reports, under penalty of perjury, in a form
22 required by the Board. The reports shall certify and document compliance with all the conditions
23 of probation."

24 12. Respondent's probation is subject to revocation because he failed to comply with
25 Probation Condition 2, referenced above. The facts and circumstances regarding this violation
26 are as follows:

27 A. Respondent has failed to submit his Quarterly Written Reports in a timely manner.
28 The report due on January 7, 2009 was post-marked February 10, 2009; the report due on April 7,

1 2009 was post-marked August 17, 2009; the report due on July 7, 2009 (for the time period
2 ending June 30, 2009) was post-marked June 29, 2009; the report due on October 7, 2009 was
3 submitted timely, but was incomplete; the report due on January 7, 2010 was submitted timely,
4 but was incomplete; the report due April 7, 2010 was submitted timely, but was incomplete; the
5 report due on July 7, 2010 was never submitted; the report due on October 7, 2010 was never
6 submitted; and the report due January 7, 2011 was never submitted.

7 THIRD CAUSE TO REVOKE PROBATION

8 (Completion of Educational Courses)

9 13. At all times after the effective date of Respondent's probation, Condition 9 stated:
10 "Respondent, at his own expense, shall enroll and successfully complete a course(s)
11 substantially related to the violation(s) no later than the end of the first year of probation; or
12 Respondent shall be suspended from practice, until he has enrolled in and has successfully
13 completed the specified coursework.

14 "The coursework shall be in addition to that required for license renewal. The Board
15 shall notify Respondent of the course content and number of contact hours required. Within
16 thirty (30) days of the Board's written notification of assigned coursework, Respondent shall
17 submit a written plan to comply with this requirement. The Board shall approve such plan prior
18 to enrollment in any course of study.

19 "Upon successful completion of the course, Respondent shall cause the instructor to
20 furnish proof to the Board within thirty (30) days of course completion."

21 14. Respondent's probation is subject to revocation because he failed to comply with
22 Probation Condition 9, referenced above. The facts and circumstances regarding this violation
23 are as follows:

24 A. On or about September 24, 2008, Respondent was assigned educational courses
25 relating to Law and Ethics and Chemical Dependency/Substance Abuse and was instructed to
26 submit his written plan by October 25, 2008. Respondent submitted his written plan relating to
27 Chemical Dependency/Substance Abuse on February 13, 2009 (81 days late), and submitted his
28 written plan relating to Law and Ethics on August 17, 2009 (185 days late).

1 B. Condition 9 required Respondent to complete his coursework no later than the end of
2 the first year of probation (July 26, 2009). Respondent completed his Law and Ethics course on
3 October 5, 2009 (71 days late), and his Chemical Dependency/Substance Abuse course on
4 November 25, 2009 (122 days late).

5 C. Respondent used the same Chemical Dependency/Substance Abuse course that he
6 completed for probation to renew his license.

7 FOURTH CAUSE TO REVOKE PROBATION

8 (Cost Recovery Requirements)

9 15. At all times after the effective date of Respondent's probation, Condition 11 stated:

10 "Respondent shall pay to the Board pursuant to Business and Professions Code
11 Section 125.3 the costs of investigation and enforcement in this matter in the amount of
12 \$1,619.50. Respondent shall be permitted to pay these costs in a payment plan approved by the
13 Board, with the payments to be completed no later than three months prior to the end of the
14 probation term. Failure to complete payment of cost recovery within this time frame shall
15 constitute a violation of probation which may subject Respondent's license to outright revocation.

16 "The Board may conditionally renew or reinstate, for a maximum of one year, the
17 license of any respondent who demonstrates financial hardship. Respondent shall enter into a
18 formal agreement with the Board to reimburse the unpaid costs within that one year period.

19 "Except as provided above, the Board shall not renew or reinstate the license of any
20 Respondent who has failed to pay all the costs as directed in a Decision."

21 16. Respondent's probation is subject to revocation because he failed to comply with
22 Probation Condition 11, referenced above. The facts and circumstances regarding this violation
23 are as follows:

24 A. On or about September 24, 2008, Respondent agreed to make 54 monthly payments
25 of \$29.00, and one final payment of \$53.50. Respondent has only made nine sporadic payments,
26 totaling \$619.50.

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1 FIFTH CAUSE TO REVOKE PROBATION

2 (Chemical Dependency Support/Recovery Groups)

3 17. At all times after the effective date of Respondent's probation, Condition 13 stated:

4 "Within five (5) days of the effective date of the Decision, Respondent shall begin
5 attendance at a chemical dependency support group (e.g. Alcoholics Anonymous, Narcotics
6 Anonymous, Nurse Support Group). Verified documentation of attendance shall be submitted by
7 Respondent with each quarterly report. Respondent shall continue attendance in such a group for
8 the duration of probation."

9 18. Respondent's probation is subject to revocation because he failed to comply with
10 Probation Condition 13, referenced above. The facts and circumstances regarding this violation
11 are as follows:

12 A. Respondent failed to submit attendance verification forms documenting his
13 attendance at a chemical dependency support group at least once a week for the following time
14 periods: July-September 2008; April-June 2010; July-September 2010; and October-December
15 2010.

16 SIXTH CAUSE TO REVOKE PROBATION

17 (Abstain from Controlled Substances)

18 19. At all times after the effective date of Respondent's probation, Condition 14 stated:

19 "Respondent shall completely abstain from the personal use or possession of
20 controlled substances, as defined in the California Uniform Controlled Substances Act, and
21 dangerous drugs as defined in Section 4021 and 4022 of the Business and Professions Code,
22 except when lawfully prescribed by a licensed practitioner for a bona fide illness."

23 20. Respondent's probation is subject to revocation because he failed to comply with
24 Probation Condition 14, referenced above. The facts and circumstances regarding this violation
25 are as follows:

26 A. On or about May 11, 2010, Respondent tested positive for a marijuana metabolite and
27 an alprazolam (Xanax) metabolite. Respondent also failed to provide the Board with a written
28 explanation for the positive test results.

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3. Taking such other and further action as deemed necessary and proper.

DATED: February 28, 2010.



TERESA BELLO-JONES, J.D., M.S.N., R.N.
Executive Officer
Board of Vocational Nursing and Psychiatric Technicians
Department of Consumer Affairs
State of California
Complainant

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Exhibit 1

Decision and Order

Board of Vocational Nursing and Psychiatric Technicians Case No. PT-2006-1326

BEFORE THE
BOARD OF VOCATIONAL NURSING
AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation
Against:

Case No. PT-2006-1326

GREGORY HAYWOOD JONES
352 Jean Street
Mill Valley, CA 94941

Psychiatric Technician License No.
PT 15538

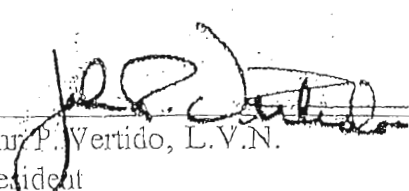
Respondent.

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Vocational Nursing and Psychiatric Technicians as the Final Decision in the above entitled matter.

This Decision shall become effective on July 27, 2008.

IT IS SO ORDERED this 27th day of June, 2008.


John P. Vertido, L.V.N.
President

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 CHAR SACHSON, State Bar No. 161032
Deputy Attorney General
4 455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
5 Telephone: (415) 703-5558
Facsimile: (415) 703-5480

6 Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

12 GREGORY HAYWOOD JONES
352 Jean Street
13 Mill Valley, CA 94941
Psychiatric Technician License No. PT 15538

14 Respondent.

Case No. PT-2006-1326

OAH No. 2008020223

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15
16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
18 above-entitled proceedings that the following matters are true:

19 PARTIES

20 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) is the Executive
21 Officer of the Board of Vocational Nursing and Psychiatric Technicians. She brought this action
22 solely in her official capacity and is represented in this matter by Edmund G. Brown Jr., Attorney
23 General of the State of California, by Char Sachson, Deputy Attorney General.

24 2. Respondent Gregory Haywood Jones (Respondent) is represented in this
25 proceeding by attorney Robert W. Stewart, whose address is 24 Professional Center Parkway,
26 Suite 100, San Rafael, CA 94903.

27 3. On or about February 21, 1975, the Board of Vocational Nursing and
28 Psychiatric Technicians issued Psychiatric Technician License No. PT 15538 to Gregory

1 Haywood Jones (Respondent). The Psychiatric Technician License was in full force and effect at
2 all times relevant to the charges brought in Accusation No. PT-2006-1326 and will expire on
3 March 31, 2010, unless renewed.

4 JURISDICTION

5 4. Accusation No. PT-2006-1326 was filed before the Board of Vocational
6 Nursing and Psychiatric Technicians (Board), Department of Consumer Affairs, and is currently
7 pending against Respondent. The Accusation and all other statutorily required documents were
8 properly served on Respondent on January 4, 2008. Respondent timely filed his Notice of
9 Defense contesting the Accusation. A copy of Accusation No. PT-2006-1326 is attached as
10 exhibit A and incorporated herein by reference.

11 ADVISEMENT AND WAIVERS

12 5. Respondent has carefully read, fully discussed with counsel, and
13 understands the charges and allegations in Accusation No. PT-2006-1326. Respondent has also
14 carefully read, fully discussed with counsel, and understands the effects of this Stipulated
15 Settlement and Disciplinary Order.

16 6. Respondent is fully aware of his legal rights in this matter, including the
17 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
18 counsel at his own expense; the right to confront and cross-examine the witnesses against him;
19 the right to present evidence and to testify on his own behalf; the right to the issuance of
20 subpoenas to compel the attendance of witnesses and the production of documents; the right to
21 reconsideration and court review of an adverse decision; and all other rights accorded by the
22 California Administrative Procedure Act and other applicable laws.

23 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
24 each and every right set forth above.

25 CULPABILITY

26 8. Respondent admits the truth of each and every charge and allegation in
27 Accusation No. PT-2006-1326.

28 9. Respondent agrees that his Psychiatric Technician License is subject to

1 discipline and he agrees to be bound by the Board of Vocational Nursing and Psychiatric
2 Technicians (Board) 's imposition of discipline as set forth in the Disciplinary Order below.

3 CIRCUMSTANCES IN MITIGATION

4 10. Respondent Gregory Haywood Jones has never been the subject of any
5 disciplinary action. He is admitting responsibility at an early stage in the proceedings.

6 CONTINGENCY

7 11. This stipulation shall be subject to approval by the Board of Vocational
8 Nursing and Psychiatric Technicians. Respondent understands and agrees that counsel for
9 Complainant and the staff of the Board of Vocational Nursing and Psychiatric Technicians may
10 communicate directly with the Board regarding this stipulation and settlement, without notice to
11 or participation by Respondent or his counsel. By signing the stipulation, Respondent
12 understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation
13 prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation
14 as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force
15 or effect, except for this paragraph, it shall be inadmissible in any legal action between the
16 parties, and the Board shall not be disqualified from further action by having considered this
17 matter.

18 12. The parties understand and agree that facsimile copies of this Stipulated
19 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
20 force and effect as the originals.

21 13. In consideration of the foregoing admissions and stipulations, the parties
22 agree that the Board may, without further notice or formal proceeding, issue and enter the
23 following Disciplinary Order:

24 DISCIPLINARY ORDER

25 IT IS HEREBY ORDERED that Psychiatric Technician License No. PT 15538
26 issued to Respondent Gregory Haywood Jones (Respondent) is revoked. However, the
27 revocation is stayed and Respondent is placed on probation for five (5) years on the following
28 terms and conditions.

1 1. Obey All Laws. Respondent shall obey all federal, state and local laws,
2 including all statutes and regulations governing the license. Respondent shall submit, in writing,
3 a full and detailed account of any and all violations of the law to the Board within five (5) days of
4 occurrence. To ensure compliance with this term, respondent shall submit two (2) completed
5 fingerprint cards and the applicable fingerprint processing fees to the Board within thirty (30)
6 days of the effective date of the decision, unless the Board determines that fingerprint cards were
7 already submitted by Respondent as part of his licensure application process effective July 1,
8 1996. Respondent shall also submit a recent 2" x 2" photograph of himself within thirty (30)
9 days of the effective date of the decision.

10 2. Compliance With Probation Program And Quarterly Report
11 **Requirements.** Respondent shall fully comply with terms and conditions
12 of the probation established by the Board and shall cooperate with the representatives of the
13 Board in its monitoring and investigation of the Respondent's compliance with the Probation
14 Program.

15 Respondent shall submit quarterly reports, under penalty of perjury, in a form
16 required by the Board. The reports shall certify and document compliance with all the conditions
17 of probation.

18 3. Notification of Address And Telephone Number Change(s).
19 Respondent shall notify the Board, in writing, within five (5) days of a change of residence or
20 mailing address, of his new address and any change in his work and/or home telephone numbers.

21 4. Notification of Residency or Practice Outside of State. Respondent
22 shall notify the Board, in writing, within five (5) days, if he leaves California to reside or practice
23 in another state.

24 Respondent shall notify the Board, in writing, within five (5) days, upon his return
25 to California.

26 The period of probation shall not run during the time Respondent is residing or
27 practicing outside California.

28 5. Notification to Employer(s). When currently employed or applying for

1 employment in any capacity in any health care profession, Respondent shall notify his employer
2 of the probationary status of Respondent's license. This notification to the Respondent's current
3 health care employer shall occur no later than the effective date of the Decision. Respondent
4 shall notify any prospective health care employer of his probationary status with the Board prior
5 to accepting such employment. This notification shall be by providing the employer or
6 prospective employer with a copy of the Board's Accusation and Disciplinary Decision.

7 The Health Care Profession includes, but is not limited to: Licensed Vocational
8 Nurse, Psychiatric Technician, Registered Nurse, Medical Assistant, Paramedic, Emergency
9 Medical Technician, Certified Nursing Assistant, Home Health Aide, and all other ancillary
10 technical health care positions.

11 Respondent shall cause each health care employer to submit quarterly reports to
12 the Board. The reports shall be on a form provided by the Board, shall include a performance
13 evaluation and such other information as may be required by the Board.

14 Respondent shall notify the Board, in writing, within five (5) days of any change
15 in employment status. Respondent shall notify the Board, in writing, if he is terminated from any
16 nursing or health care related employment with a full explanation of the circumstances
17 surrounding the termination.

18 6. **Interviews/meetings With Board Representative(s).** Respondent,
19 during the period of probation, shall appear in person at interviews/meetings as directed by the
20 Board, or its designated representatives.

21 7. **Employment Requirements And Limitations.** During probation,
22 Respondent shall work in his licensed capacity in the State of California. This practice shall
23 consist of no less than six (6) continuous months and of no less than twenty (20) hours per week.

24 While on probation, Respondent shall not work for a nurses' registry or in any
25 private duty position, a temporary nurse placement agency, as a faculty member in an accredited
26 or approved school of nursing, or as an instructor in a Board approved continuing education
27 course except as approved, in writing, by the Board. Respondent shall work only on a regularly
28 assigned, identified and predetermined work site(s) and shall not work in a float capacity except

1 as approved, in writing, by the Board.

2 8. **Supervision Requirements.** Respondent shall obtain prior approval from
3 the Board, before commencing any employment, regarding the level of supervision provided to
4 Respondent while employed as a licensed vocational nurse or psychiatric technician.

5 Respondent shall not function as a charge nurse (i.e., work in any healthcare
6 setting as the person who oversees or directs licensed vocational nurses, psychiatric technicians,
7 certified nursing assistants or unlicensed assistive personnel) or supervising psychiatric
8 technician during the period of probation except as approved, in writing, by the Board.

9 9. **Completion of Educational Course(s).** Respondent, at his own expense,
10 shall enroll and successfully complete a course(s) substantially related to the violation(s) no later
11 than the end of the first year of probation; or Respondent shall be suspended from practice, until
12 he has enrolled in and has successfully completed the specified coursework.

13 The coursework shall be in addition to that required for license renewal. The
14 Board shall notify Respondent of the course content and number of contact hours required.
15 Within thirty (30) days of the Board's written notification of assigned coursework, Respondent
16 shall submit a written plan to comply with this requirement. The Board shall approve such plan
17 prior to enrollment in any course of study.

18 Upon successful completion of the course, Respondent shall cause the instructor
19 to furnish proof to the Board within thirty (30) days of course completion.

20 10. **Maintenance of Valid License.** Respondent shall, at all times while on
21 probation, maintain an active current license with the Board, including any period during which
22 suspension or probation is tolled.

23 Should respondent's license, by operation of law or otherwise, expire, upon
24 renewal or reinstatement respondent's license shall be subject to any and all terms of this
25 probation not previously satisfied.

26 11. **Cost Recovery Requirements.** Respondent shall pay to the Board
27 pursuant to Business and Professions Code Section 125.3 the costs of investigation and
28 enforcement in this matter in the amount of \$1,619.50. Respondent shall be permitted to pay

1 these costs in a payment plan approved by the Board, with the payments to be completed no later
2 than three months prior to the end of the probation term. Failure to complete payment of cost
3 recovery within this time frame shall constitute a violation of probation which may subject
4 Respondent's license to outright revocation.

5 The Board may conditionally renew or reinstate, for a maximum of one year, the
6 license of any respondent who demonstrates financial hardship. Respondent shall enter into a
7 formal agreement with the Board to reimburse the unpaid costs within that one year period.

8 Except as provided above, the Board shall not renew or reinstate the license of any
9 Respondent who has failed to pay all the costs as directed in a Decision.

10 12. **Violation of Probation.** If Respondent violates the conditions of his
11 probation, the Board after giving Respondent notice and an opportunity to be heard, may set
12 aside the stay order and impose the stayed discipline revocation of the Respondent's license. If
13 during the period of probation, an accusation or petition to revoke has been filed against the
14 Respondent's license or the Attorney General's Office has been requested to prepare an
15 accusation or petition to revoke probation against the Respondent's license, the probationary
16 period shall automatically be extended and shall not expire until the accusation or petition has
17 been acted upon by the Board. Upon successful completion of probation, the Respondent's
18 license will be fully restored.

19 13. **Chemical Dependency Support/recovery Groups.** Within five (5) days
20 of the effective date of the Decision, Respondent shall begin attendance at a chemical
21 dependency support group (e.g. Alcoholics Anonymous, Narcotics Anonymous, Nurse Support
22 Group). Verified documentation of attendance shall be submitted by Respondent with each
23 quarterly report. Respondent shall continue attendance in such a group for the duration of
24 probation.

25 14. **Abstain From Controlled Substances.** Respondent shall completely
26 abstain from the personal use or possession of controlled substances, as defined in the California
27 Uniform Controlled Substances Act, and dangerous drugs as defined in Section 4021 and 4022 of
28 the Business and Professions Code, except when lawfully prescribed by a licensed practitioner

1 for a bona fide illness.

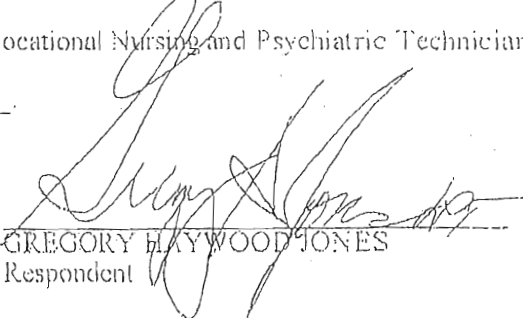
2 15. Abstain From Use of Alcohol. Respondent shall completely abstain from
3 the use of alcoholic beverages during the period of probation.

4 16. Submit Biological Fluid Samples. Respondent shall immediately submit
5 to biological fluid testing, at Respondent's cost, upon request by the Board or its designee. There
6 will be no confidentiality in test results; positive test results will be immediately reported to the
7 Board and the Respondent's current employer.

8
9 ACCEPTANCE

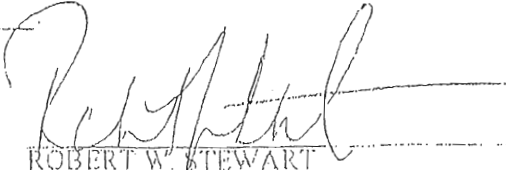
10 I have carefully read the above Stipulated Settlement and Disciplinary Order and
11 have fully discussed it with my attorney, Robert W. Stewart. I understand the stipulation and the
12 effect it will have on my Psychiatric Technician License. I enter into this Stipulated Settlement
13 and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
14 Decision and Order of the Board of Vocational Nursing and Psychiatric Technicians.

15 DATED: 5-7-08

16
17 
18 GREGORY HAYWOOD JONES
19 Respondent

20 I have read and fully discussed with Respondent Gregory Haywood Jones the
21 terms and conditions and other matters contained in the above Stipulated Settlement and
22 Disciplinary Order. I approve its form and content.

23 DATED: 5-8-08

24
25 
26 ROBERT W. STEWART
27 Attorney for Respondent
28

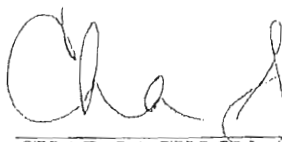
1 ENDORSEMENT

2 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
3 submitted for consideration by the Board of Vocational Nursing and Psychiatric Technicians of
4 the Department of Consumer Affairs.

5
6 DATED: 5/29/08

7 EDMUND G. BROWN JR., Attorney General
8 of the State of California

9 FRANK H. PACOE
10 Supervising Deputy Attorney General

11 

12 CHAR SACHSON
13 Deputy Attorney General

14 Attorneys for Complainant

15 DOJ Matter ID: SF2007403237
16 40250427.wpd

Exhibit A

Accusation No. PT-2006-1326

FILED

JAN - 4 2009

Board of Vocational Nursing
and Psychiatric Technicians

EDMUND G. BROWN JR., Attorney General
of the State of California
FRANK H. PACOE
Supervising Deputy Attorney General
CHAR SACHSON, State Bar No. 161032
Deputy Attorney General
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Attorneys for Complainant

BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. PT-2006-1326

GREGORY HAYWOOD JONES
352 Jean Street
Mill Valley, CA 94941
Psychiatric Technician License No. PT 15538

A C C U S A T I O N

Respondent.

Complainant alleges:

PARTIES

1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs.
2. On or about February 21, 1975, the Board of Vocational Nursing and Psychiatric Technicians issued Psychiatric Technician License Number PT 15538 to Gregory Haywood Jones (Respondent). The Psychiatric Technician License was in full force and effect at all times relevant to the charges brought herein and will expire on March 31, 2008, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board of Vocational Nursing and Psychiatric Technicians (Board), Department of Consumer Affairs, under the authority of the

1 following laws. All section references are to the Business and Professions Code unless otherwise
2 indicated.

3 4. Section 4520 of the Code states:

4 "Every licensed psychiatric technician under this chapter may be disciplined as
5 provided in this article. The disciplinary proceedings shall be conducted by the board in
6 accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2
7 of the Government Code."

8 5. Section 4521 of the Code states:

9 "The board may suspend or revoke a license issued under this chapter for any of
10 the following reasons:

11 "(a) Unprofessional conduct, which includes, but is not limited to, any of the
12 following:

13
14 "(4) Obtain or possess in violation of law, or prescribe, or, except as directed by a
15 licensed physician and surgeon, dentist, or podiatrist, administer to himself or herself or furnish
16 or administer to another, any controlled substance as defined in Division 10 (commencing with
17 Section 11000) of the Health and Safety Code or any dangerous drug as defined in Section 4022.

18 "(5) Use any controlled substance as defined in Division 10 (commencing with
19 Section 11000) of the Health and Safety Code, or any dangerous drug as defined in Section 4022,
20 or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself,
21 any other person, or the public or to the extent that the use impairs his or her ability to conduct
22 with safety to the public the practice authorized by his or her license.

23
24 (d) Violating or attempting to violate, directly or indirectly, or assisting in or
25 abetting the violation of, or conspiring to violate any provision or terms of this chapter.

26 "(f) Conviction of any offense substantially related to the qualifications, functions,
27 and duties of a psychiatric technician, in which event the record of the conviction shall be
28 conclusive evidence of the conviction. The board may inquire into the circumstances surrounding

1 the commission of the crime in order to fix the degree of discipline.”

2 6. Section 4523 of the Code states:

3 “A plea or verdict of guilty or a conviction following a plea of nolo contendere
4 made to a charge substantially related to the qualifications, functions and duties of a psychiatric
5 technician is deemed to be a conviction within the meaning of this article. The board may order
6 the license suspended or revoked or may decline to issue a license, when the time for appeal has
7 lapsed, or the judgment or conviction has been affirmed on appeal or when an order granting
8 probation is made suspending the imposition of sentence, irrespective of a subsequent order
9 under the provisions of Section 1203.4 of the Penal Code allowing the person to withdraw his
10 plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing
11 the accusation, information, or indictment.”

12 7. Section 490 of the Code states:

13 “A board may suspend or revoke a license on the ground that the licensee has
14 been convicted of a crime, if the crime is substantially related to the qualifications, functions, or
15 duties of the business or profession for which the license was issued . A conviction within the
16 meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo
17 contendere. Any action which a board is permitted to take following the establishment of a
18 conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has
19 been affirmed on appeal, or when an order granting probation is made suspending the imposition
20 of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the
21 Penal Code.”

22 8. Section 125.3 of the Code provides, in pertinent part, that the Board may
23 request the administrative law judge to direct a licensee found to have committed a violation or
24 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
25 and enforcement of the case.

26 9. Section 118(b) of the Code provides, in pertinent part, that the expiration
27 of a license shall not deprive the Board jurisdiction to proceed with a disciplinary action during
28 the period within which the license may be renewed, restored, reissued or reinstated. Under

1 section 2892.1 of the Code, the Board may renew an expired license at any time within four years
2 after the expiration.

3
4 FIRST CAUSE FOR DISCIPLINE

5 (CONVICTION)

6 10. Respondent's license is subject to discipline under sections 490,
7 4521(a)(7), and/or 4521(f) in that on or about April 11, 2007, in a criminal proceeding entitled
8 *The People of the State of California v. Gregory Haywood Jones*, in The Superior Court of the
9 State of California in the County of Marin, Case Number SC151362A, Respondent was
10 convicted by his plea of guilty of violating Health and Safety Code section 11350 (Possession of
11 a Controlled Substance). The circumstances are as follows:

12 a. On or about December 30, 2006, Applicant was arrested for
13 possession of cocaine base (crack cocaine) and possession of a smoking device.
14

15 SECOND CAUSE FOR DISCIPLINE

16 (POSSESSION OF CONTROLLED SUBSTANCE)

17 11. Respondent's license is subject to discipline under sections 4521(a) and/or
18 4521(a)(4) in that on or about December 30, 2006, Respondent acted unprofessionally when he
19 obtained and possessed rock cocaine (crack cocaine) in Marin City, California.
20

21 PRAYER

22 WHEREFORE, Complainant requests that a hearing be held on the matters herein
23 alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric
24 Technicians issue a decision:

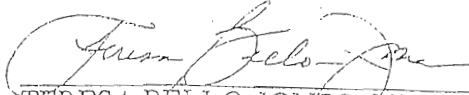
25 1. Revoking or suspending Psychiatric Technician License Number PT
26 15538, issued to Gregory Haywood Jones.

27 2. Ordering Gregory Haywood Jones to pay the Board of Vocational Nursing
28 and Psychiatric Technicians the reasonable costs of the investigation and enforcement of this

1 case, pursuant to Business and Professions Code section 125.3;

2 3. Taking such other and further action as deemed necessary and proper.

3
4 DATED: January 4, 2008

5
6 

7 TERESA BELLO-JONES, J.D., M.S.N., R.N.

8 Executive Officer

9 Board of Vocational Nursing and Psychiatric Technicians

10 Department of Consumer Affairs

11 State of California

12 Complainant

13 SF2007403237

14 jones.wpd